



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/853,568	05/11/2001	Catherine Shoemaker	1960-00100

23505  
CONLEY ROSE & TAYON, P.C.  
P. O. BOX 3267  
HOUSTON, TX 77253-3267

RECEIVED

JUL 19 2001

**CONFIRMATION NO. 6318**

## FORMALITIES LETTER



\*OC000000006300211\*

Date Mailed: 07/16/2001

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

**FILED UNDER 37 CFR 1.53(b)**

☐ A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) **2, 3** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (*37 CFR 1.17(h)*)) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (*37 CFR 1.17(h)*) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Sa. 11/11

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Express Mail EL776175108US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT: CATHERINE SHOEMAKER.  
SERIAL NO.: 09/853,568  
FILING DATE: May 11, 2001  
CLIENT NO.: 1960-00100  
FOR: METHOD AND APPARATUS FOR MARKING MEDICINE  
CONTAINER

**PETITION TO ACCORD FILING DATE**

Applicant, Catherine Shoemaker, hereby petitions the Office to accord the above application a filing date and in support respectfully shows:

On May 11, 2001, Applicant submitted an utility application (given serial number 09/853,568 and hereinafter referred to as the '568 Application") and associated papers to the PTO. On July 16, 2001, the PTO issued a Notice of Omitted Item in a Nonprovisional Application ("Notice"). A copy of the Notice is attached as Exhibit 1. The Notice states that pages 2 and 3 of the specification appear to have been omitted from the '568 Application.

Upon review of Applicant's file, it appears that, due to an inadvertent error in copying the application papers, pages 2 and 3 of the specification were omitted from the initial transmittal. Applicant notes that those papers were, in fact, complete and available on that date, but inadvertently omitted from the '568 Application. By this Petition, Applicant respectfully submits pages 2 and 3 of the specification and respectfully requests a filing date. A copy of the omitted pages is attached as Exhibit 2. Additionally, Applicant submits a supplemental oath (Exhibit 3) and the \$130.00 petition fee. Therefore, Applicant respectfully requests that a filing date be accorded the '568 Application.

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